

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES SMITH, *et al.*,

*Plaintiffs,*

v.

WASHINGTON AREA HUMANE  
SOCIETY, *et al.*,

*Defendants.*

Civil Action No. 2:19-cv-1672

Hon. William S. Stickman IV

**ORDER OF COURT**

AND NOW, this 2<sup>nd</sup> day of November, 2020, Defendants', Washington Area Humane Society, Glen Thomson and Maranda Combs', Motion for Clarification (ECF no. 23) is GRANTED and the Court hereby clarifies its October 29, 2020, Memorandum granting in part and denying in part Defendants' Motion to Dismiss as follows:

- Per Plaintiffs' representation in their Opposition to Defendants' Motion to Dismiss (ECF No. 18, n. 1), Plaintiffs have abandoned all claims against Defendant Combs, as well as Count VII (Intentional Infliction of Emotional Distress ("IIED")) as to all Defendants. Defendant Combs is, therefore, dismissed from this case. The Court's Memorandum held that Plaintiffs failed to plead a plausible claim for IIED. In light of their abandonment, the dismissal of Count VII is with prejudice. Plaintiffs also advised that they do not intend on seeking an award of punitive damages against WAHS.

- All claims against Defendant Thomson, who is deceased, are dismissed for failure of Plaintiffs to move to substitute within 90 days of the April 16, 2020, suggestion of death. (ECF No. 20). Defendant Thomson is dismissed from this case.

BY THE COURT:



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WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE